

**TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS  
MINUTES**

**DATE:** August 30, 2005

**TIME:** 8:30 A.M.

**BOARD MEMBERS**

**PRESENT:** Barry Kelton, D.C., Chair  
Michael Massey, D.C.  
Andrea Selby, D.C.  
Debe Williams, D.C.  
Craig Ratcliff, D.C.

**BOARD MEMBERS**

**ABSENT:** Sheila Fitzgerald  
Linda Kindrick

**STAFF PRESENT:**

Sherry Owens, Board Administrator  
Robbie Bell, Director  
Bob Kraemer, Advisory Attorney  
Jerry Kosten, Rules Coordinator  
Barbara Maxwell, Administrative Director  
Stacy Lannan, Administrative Assistant

Dr. Kelton, chair, called the meeting to order at 8:33 A.M. A sufficient number of board members were present to constitute a quorum.

Dr. Kelton welcomed Dr. Craig Ratcliff, Chiropractic Examiner from Sevierville, TN, to the board.

**Review Minutes**

Upon review of the May 12, 2005 board meeting minutes, Dr. Williams made a motion, seconded by Dr. Selby, to approve the minutes as written. The motion carried.

**Conflict of Interest**

Ms. Bell reviewed the conflict of interest policy with the board asking the board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest. Ms. Bell stated that if a board member does have a conflict of interest they must recuse him/herself and leave the hearing room during the discussion and vote.

Ms. Owens asked the board members to sign the conflict of interest statement and return it to her.

### **Jerry Kosten, Rules Coordinator**

The board reviewed an amendment to Rule 0260-2-.02 to include clinical acupuncture under the scope of practice.

Upon discussion, Dr. Williams made a motion seconded by Dr. Massey, to change the language “clients” to “patients” and send the amended rule to a rulemaking hearing. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

Mr. Kosten stated a rulemaking hearing was conducted August 4, 2005 to amend Rule 0260-2-.12 to require chiropractic examiners to obtain 24 hours of continuing education annually.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Massey, to accept the amendment as written. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

The board reviewed an amendment to Rule 0260-2-.19, regarding petitions for reconsiderations and stays in contested case cases; and, Rule 0260-2-.24, regarding professional corporations and limited liability companies.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Ratcliff, to send the amended rules to rulemaking hearing. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

### **Declaratory Order Petition for Roger William Byrd, D.C.**

The board reviewed a petition for declaratory order from Roger William Byrd, D.C. regarding the validity and applicability of T.C.A. §63-4-101 et seq. and Rule 0260-2-.01.

Mr. Kraemer advised the board that according to the Richardson case it was not in the board’s authority and suggested the board decline comment.

Dr. Selby made a motion, seconded by Dr. Massey, to decline the petition from Roger William Byrd. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

Robert L. Green, attorney for Roger William Byrd, attended the meeting on behalf of Dr. Byrd.

### **Office of General Counsel Report**

Mr. Kraemer said the continuing education and x-ray amendments were sent to the Attorney General February 2, 2005 where they remain.

Mr. Kraemer said the voluntary licensure, advisory rulings and fees were sent to the Attorney General November 29, 2004 where they remain.

Mr. Kraemer said the criminal background checks and acupuncture fees were adopted by the board on May 12, 2005 and were sent to the Attorney General May 16, 2005 where they remain.

Mr. Kraemer stated the Office of General Counsel currently has five (5) open disciplinary cases pertaining to the Board of Chiropractic Examiners.

### **Investigative Report**

Ms. Phelps reviewed the investigative report stating there are eleven (11) complaints, five (5) were closed with no action, and two (2) with a letter of concern.

### **Disciplinary Report**

Ms. Phelps reviewed the disciplinary report stating there are six (6) practitioners currently being monitored. Ms. Phelps said following the report is a history of Chiropractors who have been disciplined by the board.

### **Financial Report**

Ms. Bell reviewed the financial report stating there is a cumulative carryover from June 30, 2005 of \$60,766.27.

### **Administrative Report**

Ms. Owens reviewed the administrative report stating there are 890 active chiropractic examiners, 94 active chiropractic x-ray technicians and 338 active chiropractic therapy assistants. Ms. Owens gave the board members a month to month total of newly licensed, reinstatements and retired chiropractic examiners, chiropractic x-ray technicians and chiropractic therapy assistants.

Ms. Bell commended Ms. Owens on the good job she does on processing initial applications.

Ms. Owens stated between May 3, 2005 and August 19, 2005, 11 chiropractic examiners, 0 chiropractic x-ray technicians and 1 chiropractic therapy assistants renewed online.

Ms. Owens reminded the board that all travel must be turned in 120 days in advance for possible approval. Ms. Owens stated the board will no longer pay for board members to attend association meetings.

Ms. Owens stated that the audit is complete and the numbers are as shown in the administrative report.

### **Approval of Continuing Education Courses**

Upon review of the continuing education courses submitted to the board for approval, Dr. Williams made a motion, seconded by Dr. Selby, to accept the following courses:

#### **Paul Adams & Associates (For the year of 2005 only)**

Paul Adams, C.P.A.

12 hour course

#### **Peter Pan Potential**

Dr. Claudia Anrig

16 hour course

The motion carried.

### **Ratify Newly Licensed and Reinstated Chiropractic Physicians, Certified X-Ray Technicians and Chiropractic Therapy Assistants**

Dr. Williams made a motion, seconded by Dr. Selby, to ratify the following newly licensed chiropractic physicians, certified x-ray technicians and chiropractic therapy assistants:

Dr. Ratcliff recused himself.

#### **Newly Licensed**

##### **Chiropractic Physicians**

**Walter L. Bennett**

**Robert Bruyn Jr.**

**Matthew P. Cornies**

**James Goldman**

**Steven J. Haight**

**Robert M. Jordan**

**Terrance J. Loher**

**Jason Malucci**

**Joy-Lynn Norris**

**John Paul Olsen**

**Elizabeth Wynn Schrader**

**John E. Taylor**

**Scot Thompson**

**Brett L. Wheatcroft**

##### **Chiropractic Therapy Assistants**

**Shelby R. Alonso**

**Rebecca Forshee**

**Richan P. Groves  
Ashley N. Hensley  
Ashley A. Hooper  
Cheryl Houston  
Kathryn L. Johnston  
Doris Oldham  
Rhonda Ratcliff  
Brenda Selby  
Tonya Simmons  
Maureen Sullivan  
Katrina M. Winger  
Rebecca E. Woody**

**Reinstated**

**Chiropractic Physicians**

**Russell Cranford Dreyer  
Michael Todd Elliott  
Gregory M. Grass  
Kenneth Hoffman**

**Chiropractic Therapy Assistant**

**Laurice Lynn Bellante  
Sheila Renea Curry  
Julie A. Foister  
April Denise Shumate  
Darla Faye Smith  
Mattie Denise Watson**

**Chiropractic X-Ray Technician**

**Melissa Anne Thompson**

The motion carried.

**Discuss and consider allowing chiropractors to perform DOT physicals and school sports physical**

The board asked Ms. Owens to prepare a policy statement regarding Department of Transportation and school physicals by Chiropractic Examiners for review at the next meeting.

**Schedule Board Meeting Dates for 2006**

The board selected the following dates for their 2006 board meetings:

February 28

May 11

August 31

December 7

With no other business to conduct, Dr. Selby made a motion, seconded by Dr. Massey, to adjourn the meeting at 10:55 A.M. The motion carried.

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